



S T A T E B A R O F M I C H I G A N

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Via Email

April 21, 2006

306 Townsend Street
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The Honorable Edward J. Gaffney
State Representative
State Capitol
P.O. Box 30014
Lansing, MI 48909-7514

**Re: House Tort Reform Committee Hearing – April 25, 2006
HB 5851 Asbestos and Silicosis Claims**

Dear Representative Gaffney:

While the State Bar of Michigan has not yet had an opportunity to formally review HB 5851, we would like to communicate some preliminary comments for your consideration at Tuesday's House Tort Reform Committee hearing.

We identified a provision in the legislation that the State Bar has historically opposed. Section 3013 on page 21 calls for a limit on attorney compensation and provides for sanctions against an attorney for violating the set limits. The State Bar's position traditionally has been that any such limit is considered a regulation of the profession, which is under the exclusive jurisdiction of the Supreme Court. See MCL 600.919(1)¹.

Additionally, the ability for an attorney to retain a case based on contingency fees is a method of securing that individuals from all economic backgrounds have a means of judicial review. Access to justice for all Michigan citizens is a goal that we share. Our evaluation of current practices in the profession establishes that many people are only able to access the system due to the contingency fee payment schedule.

We appreciate the opportunity to offer these preliminary comments as discussion on these bills advances. We look forward to working with you on this legislation and can be contacted at any time.

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Sincerely,

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CC. Rep. Stephen Adamini, Minority Vice Chair, House Tort Reform Committee
Rep. Steve Bieda, House Tort Reform Committee
Rep. Kevin Elsenheimer, Chair, House Tort Reform Committee
Rep. Roger Kahn, Vice Chair, House Tort Reform Committee
Rep. Bill Huizenga, House Tort Reform Committee
Rep. Joe Hune, House Tort Reform Committee
Rep. Bill McConico, House Tort Reform Committee

¹ MCL 600.919 (1) The measure of the compensation of members of the bar is left to the express or implied agreement of the parties subject to the regulation of the Supreme Court.